

Application Serial No. 10/082,011
Attorney Docket No. 86012-31500 USPT

REMARKS

Claims 33-35, 37-43, 45, 46, and 50 are presented herein for the Examiner's review and consideration. Applicant requests that claim 45 and claims 33 and 34 depending therefrom be amended to correct minor informalities. For example, with regard to claim 45, Applicant deletes the unnecessary language regarding the container, deletes the duplicative feature regarding the closed bottom that appears again in dependent claim 46 ("straight bottom"), and corrects a typographical error. Additionally, Applicant requests that claims 3-5, 7-15, 29-30, 44, 46, and 49 be canceled, with the reservation to file these claims in a subsequent application. Applicant notes that claims 1, 2, 6, 16-28, 31, 32, 36, 47, 48, and 51 were previously canceled. No new matter is introduced by these amendments.

Applicant acknowledges with appreciation the Examiner's courtesy in participating in two telephone interviews with Applicant's Attorney on April 18, 2005, during which the Examiner acknowledged receipt of the amendment after final, and on May 4, 2005, during which the Examiner identified U.S. Patent No. 4,686,814 to Yanase. In accordance with Section 713.04 of the Manual of Patent Examining Procedure, Applicant sets forth the substance of the interview as follows.

During the telephone interview of April 18, 2005, the Examiner acknowledged receipt of the amendment after final. During the telephone interview of May 4, 2005, the Examiner and the Applicant's Attorney discussed the Yanase reference and the presently pending independent claims.

In this Supplemental Amendment, Applicant cancels claims 3-5, 7-15, 29-30, 44, 46, and 49 for filing in a subsequent application. The cancellation of these claims is being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any reference identified by the Examiner.

On the basis of the foregoing Supplemental Amendment and Remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that this Supplemental Amendment be entered by the Examiner and the presently pending claims be allowed.

Applicant submits that this Supplemental Amendment and the accompanying Remarks do not raise new issues for consideration or necessitate the undertaking of any additional search of the art by the Examiner because all of the elements and their

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relationships were either earlier claimed or inherent in the claims as examined. This Supplemental Amendment should therefore allow for immediate action by the Examiner.

Applicant also submits that entry of this Supplemental Amendment and the accompanying Remarks would place the present application in better form for appeal, should the Examiner dispute the patentability of any of the pending claims.

The Examiner is invited to contact the undersigned at (212) 294-3315 if any additional information or assistance is required.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086012-31500 USPT. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and such fee should also be charged to Winston & Strawn Deposit Account 50-1814, Ref. No. 86012-31500 USPT.

Respectfully submitted,

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Date

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